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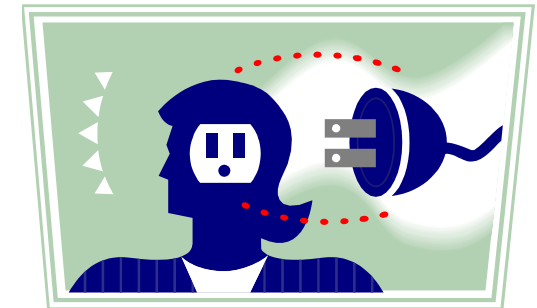
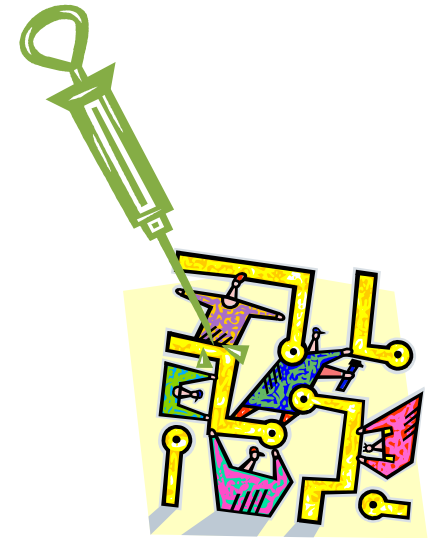
# Malcolm Crompton

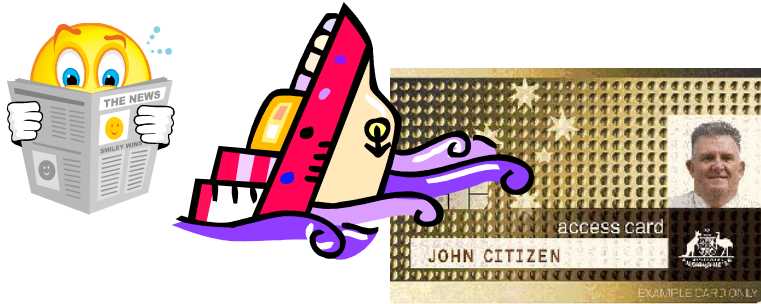
## *Privacy Impact Assessments (PIAs) and managing risk*

*Big Data Conference*

*Wellington*

*2 May 2012*





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# Why is privacy such a big deal?

- Don't let this be you!

Advocates Slam AT&T on Customer Records

Privacy advocates raise concerns over Facebook's facial recognition technology

Access Card / National ID Card

“Any government that wants to issue a unique identification number to most of the population and then to compile and link information about them using increasingly powerful technology bears a heavy onus to justify its case. ...

‘Nothing to hide, nothing to fear’, directed at each member of the public, should be turned around and directed at government as: ‘No legitimate reason to know, no legitimate reason to ask’.” – Paul Chadwick, Victorian Privacy Commissioner, *The Value of Privacy*, 23 May 2006.

AOL's tech chief quits after breach of privacy

AOL's chief technology officer left the company on Monday, two weeks after the division she ran made public the search records of 658,000 customers.

## A PIA can help!





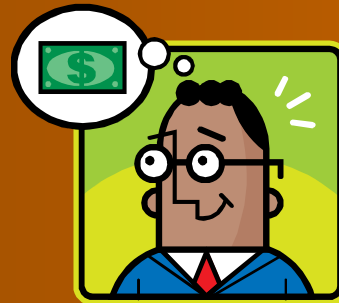
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# Benefits of a PIA

- Customer/citizen trust
- Successful project
- An organisation that understands privacy
- Improved business outcomes

australia.gov.au  
your connection with government



**The lesson: be wise, be proactive**



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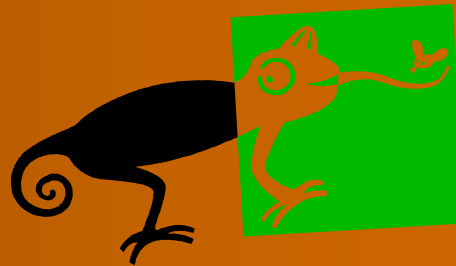
# Privacy Impact Assessment: What is it?

A PIA 'tells the story of a project from a privacy perspective and helps to manage privacy impacts' (Australian Guide)



It is:

- 1) Prospective
- 2) Adaptive
- 3) Process-oriented
- 4) Risk assessment





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# When to consider doing a PIA

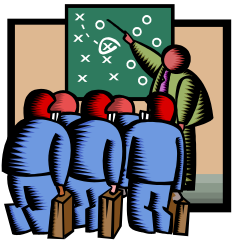
BE ALERT Where change to the way you handle personal information

- Moving from paper to electronic
- Centralising or sharing personal information (within or across organisations)
- New technology for storing, sharing, analysing, monetising
- Changes to management of identity information
- New uses or disclosures such as data mining, marketing, behavioural targeting
- Anything that consumers might find “creepy”



Aim to begin 1<sup>st</sup> PIA as early as possible to have maximum impact on the project

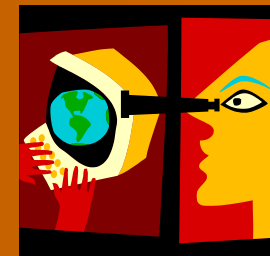




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# May need more than one if big project

- **Privacy strategy for early stage of the project**
  - ✓ Identify key privacy issues, stakeholders, principles
- **PIA on high level design**
  - ✓ Are the fundamentals right?
  - ✓ Is it a good idea?
- **PIA on detailed design / build**
  - ✓ Have recommendations been implemented?
  - ✓ Have further issues emerged?
- **PIA on implementation**
  - ✓ Have recommendations been implemented
  - ✓ Are privacy policies easy to read and transparent?
  - ✓ Is there good governance and complaints mechanisms

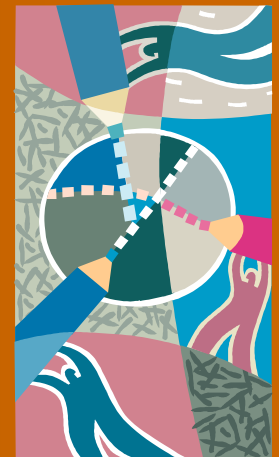
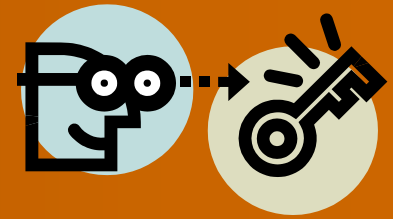


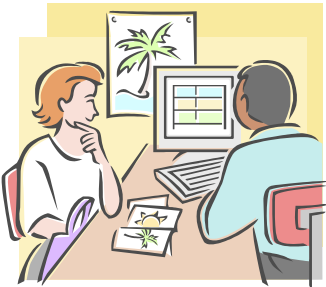


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## Community consultation critical

- Builds understanding of complex projects
- Gains access to community views and expertise
- Builds ownership – or at the very least understanding of approach and reasons for it
- Can gain advocates and champions
- Allows some control over public commentary
- Avoids last minute public outcry

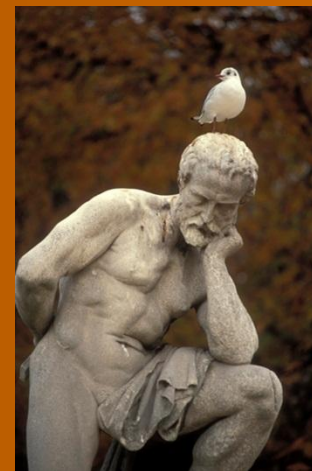




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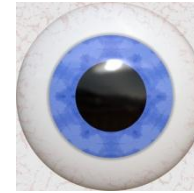
## Key steps

- Planning (including stakeholder consultation)
- Information gathering
- Clarification and discussion
- Analysis
  - mapping information flows
  - analysis against law
  - other risks / harms
- Draft report – finding and recommendations
- Finalise report after feedback on draft





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ARE  
FIRED



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## Key issues to look for

- Privacy law just one dimension
  - Ticking boxes against privacy principles can miss key issues
  - Compliance does not mitigate all the privacy risks
- KEY QUESTION IS – what harms could arise?
  - People's lives tracked and monitored without justification – “creepy”
  - Digital God – do you exist or not exist?
  - People's lives affected – can't rent a house, livelihood affected, reputation destroyed
  - Risk shifted from organisation to citizen or customer
  - No recourse when things go wrong
  - Scope for function creep



# Key tools to mitigate risks AND meet project objectives: **Layers of Defence**

▶ **Control** ▶ Trust ▶ **Risk** ▶ **Accountability**

Business  
as usual

Law

Technology

Governance

Safety Net

# ~~Privacy?~~



Respect for  
the individual

# Accountability and Privacy-By-Design Go together Like Innovation and Productivity

[www.informationpolicycentre.com](http://www.informationpolicycentre.com) [http://www.privacybydesign.ca/content/uploads/2010/03/PbD\\_Abrams\\_Nov09.pdf](http://www.privacybydesign.ca/content/uploads/2010/03/PbD_Abrams_Nov09.pdf)

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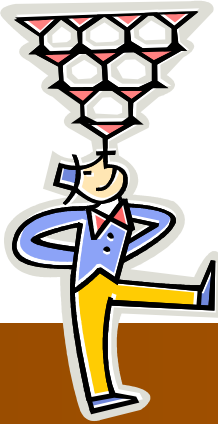
## The emerging framework

- Tools we can build in to our work
  - **Layered Defence**
- How to build in the tools
  - **Privacy by Design**
- How to know the tools are being applied year in, year out
  - **The Accountability Project**



## Some helpful guidance

- [Privacy Impact Assessment Handbook \(NZ\)](#)
- [Privacy Impact Assessment Guide 2010 \(Revised\) Australia](#)
- [Privacy Impact Assessments Guide \(2009\) \(Victoria Australia\)](#)
- [Examples of New Zealand PIAs](#)



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**Everyone is getting in on the act  
Government and Private Sector  
You should too  
It will save you heaps of trouble  
and benefit your project**





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